

Will the broadcast flag interfere with consumers ability to make copies of DTV content for their personal use, either on personal video recorders or removable media?

If the broadcast flag is implemented, end users will be unable to make personal archival copies of DTV content. These uses are covered under current 'fair use' clauses of copyright law, and would be removed at the expense of the many to the benefit of the few.

Would the digital flag interfere with consumers ability to send DTV content across networks, such as home digital networks connecting digital set top boxes, digital recorders, digital servers and digital display devices? Again, fair use rights would be affected adversely were the broadcast flag to be implemented. Users will be unable to time- or space-shift broadcast content, for example for later viewing, or to view at a location other than their normal. All of these uses are currently allowed for under fair use clauses of copyright law.

Would the broadcast flag requirement limit consumers ability to use their existing electronic equipment (equipment not built to look for the flag) or make it difficult to use older components with new equipment that is compliant with the broadcast flag standard?

Existing equipment may not be adversely affected, but this is a big MAYBE. If content is produced such that it can not be viewed without equipment with the broadcast flag present, then existing equipment will not be able to view such content. This removes rights from the end user that are currently provided - additionally, it will be a costly move which will negatively impact the end user while greatly benefiting equipment and content producers.

Would a broadcast flag requirement limit the development of future equipment providing consumers with new options?

Since this is an unknown even to broadcast flag proponents, perhaps introducing legislation which could negatively affect end user rights should be avoided.

What will be the cost impact, if any, that a broadcast flag requirement would have on consumer electronics equipment?

As mentioned previously, any equipment that was unable to play content that explicitly referenced the broadcast flag would require a (perhaps costly) replacement. Additionally, the need to purchase separate copies to provide time- or space-shifting abilities (not to mention archival copies) - all of which are allowed under copyright law - would be an additional burden on the end user.

Other Comments:

While I recognise the right of content producers to protect their property, however intangible that might be, I assert that fair use is an important doctrine for any civilised society to provide. The greatest benefit to society can only come from providing for the greatest good to the greatest number.

